

## REMARKS

At the outset, it should be recognized that the present invention, as broadly claimed, discloses a method for playing a collateral wagering game in combination with a standard wagering game, which includes the steps of:

making a wager by a player for participating in a standard wagering game;

making, for example, an additional wager by the player on an outcome of the standard wagering game, the additional wager (or other optional means) by the player being optional for allowing the player to also participate in the collateral wagering game;

determining whether the outcome of the standard wagering game comprises a winning outcome for the player, wherein a prize amount for the standard wagering game is determined when the winning outcome is achieved in the standard wagering game, the player being capable of having the winning outcome in the standard wagering game and receiving the prize amount for the standard wagering game without having to place said additional wager (or exercising other optional means) for participating in the collateral wagering game;

allocating a prize value to the collateral wagering game based upon the winning outcome in the standard wagering game;

determining a total prize value for the player in the collateral wagering game when the player has made said additional wager (or exercised other optional means) for participating in the collateral wagering game; and,

paying the player the prize amount, as determined in the standard wagering game and the total prize value for the collateral wagering game, to which the player is entitled

to receive.

The player of the standard (or base) game of the claimed method has the option of playing the collateral wagering game, by choosing, *e.g.*, to make an additional wager, however, a refusal to make the additional wager (and thereby not participate in the collateral game) does not prevent the player from receiving a prize amount for having a winning outcome in the standard game. Instead of using “an additional wager” for permitting players to exercise the option of playing the collateral game, the game operator may choose other means for allowing players to indicate their desire for participating in the collateral game.

As will be explained in greater detail hereinafter, nowhere in the prior art is such a novel method for playing a standard wagering game, in combination with an optional collateral wagering game, disclosed or suggested.

Applicant has carefully considered the Examiner’s ground for rejection, as set forth in the final Office Action, as detailed below, and respectfully submits that no further amendment of Claims 20-27 is required to distinguish that which Applicant claims over the applied prior art. The Examiner is requested to consider the following argument for patentability and to telephone Applicant’s counsel, if the Examiner does not agree that all pending claims are now in condition for allowance, to discuss what further amendment of the claims might be seen as necessary for achieving allowance of Applicant’s claims at this time.

Turning now, in detail, to an analysis of the Examiner's 35 U.S.C. §102(b) anticipation rejection, in the final Office Action the Examiner has again rejected the subject matter of Claims 20-27 as being anticipated by Suttle *et al.*, U.S. Patent No. 4,836,553 (also referred to by the Examiner as "Jones '553.") It is the Examiner's contention that Suttle *et al.* discloses a method for playing a collateral wagering game (*e.g.*, a bonus game) in combination with a standard wagering game, *i.e.*, poker. According to the Examiner, to play the game in Suttle *et al.*, each player makes a wager in the ante area (14) on an outcome of the poker game with the player also participating in the bonus game; the Examiner citing to Col. 4, lines 8-9 of Suttle *et al.* The Examiner continues by explaining that, if a player achieves a winning outcome in the poker game, a prize amount, one-to-one odds, is paid to the player. The Examiner further explains that "[e]ach player that wants to continue playing the poker game places an additional wager or bet in the bet area 16," the Examiner citing to Suttle *et al.* at Col. 3, lines 41-45. A prize value to the bonus game is allocated on the basis of the winning outcome in the poker game, with an example of possible payouts provided in Col. 4 of the applied citation, thereby anticipating the invention, according to the Examiner, as recited in Claims 20-27.

In reply to the Examiner's anticipation rejection, Suttle *et al.* discloses a method of playing a collateral wagering game and bonus game, in combination with the standard wagering game, which is a poker game in the applied citation. The Examiner's anticipation rejection states that:

"To play Jones '553 game, each player makes a wager in the ante area 14, on an outcome of the poker game with the player also participating in the bonus game, col. 4, lines 8-9. If a player achieves a winning outcome in the poker game, a prize amount, one-to-one odds, is paid to the player, col. 4, lines 1-4. *Each player that wants to continue playing the poker game places an additional wager or bet in the bet area 16, col. 3, lines 41-45.*" (emphasis/italics added)

It is agreed by Applicant that Suttle *et al.* discloses that a player who has a "higher" poker hand than the dealer "wins and the dealer pays the player a first predetermined amount" for winning the "standard" poker, or "standard wagering game." (Suttle *et al.*, Col. 4, lines 1-4) Suttle *et al.* continues by stating that:

"The dealer also pays the winning player a second predetermined amount . . . a bonus payment on the amount of the player's bet based on the type of poker hand that the player has." (Jones *et al.* Col. 4, lines 4-11)

Applicant's invention, as defined by pending Claims 20-27, however, is distinguishable over that taught and suggested by Suttle *et al.* in that, while the "winning player" of the "standard" poker game earns a "second predetermined amount," termed a "bonus payment," Suttle *et al.*, at Col. 3, lines 35-45 (which precedes the foregoing discussion regarding a "bonus payment"), explains that:

"If a player determines that his hand will not beat the dealer's hand, the player folds or drops, i.e., discontinues playing that hand. The dealer wins the player's ante . . . . If the player determines that his hand may beat the dealer's hand, then the player indicates his willingness to continue play by placing a bet in the bet area 16 on the playing surface 10."

In Suttle *et al.*, in sharp contrast to the instant Applicant's claimed invention, the player cannot win the "standard" wagering game unless he agrees to place the "additional wager," which would then allow the player to, perhaps, win the standard wager (poker) game and receive the "bonus payment." If the player declines to make the "additional"

wager" in the standard wagering (poker) game, then the player necessarily loses the standard wagering (poker) game. The player does not have the option of continuing to play the standard wagering (poker) game and, perhaps, winning the standard wagering (poker) game unless the "additional wager" is made.

Applicant's pending independent Claim 20, as last amended on July 9, 2007, includes the limitation that:

"said player [is] capable of having the winning outcome in the standard wagering game and receiving said prize amount for the standard wagering game without having to place said additional wager for participating in the collateral wagering game."

Independent Claims 22, 24 and 26 have the same limitation, worded slightly differently for antecedent bases and grammatical purposes only.

The player playing the standard wagering, or conventional poker, game in Suttle *et al.* is not "capable of having the winning outcome in the standard wagering game . . . . without having to place said additional wager for participating in the collateral wagering game," as explained in Suttle *et al.* at Col. 3, line 35-45.

Applicant respectfully submits that the foregoing distinction and limitation in each of independent Claims 20, 22, 24 and 26 is sufficient for distinguishing the claimed "method of playing a collateral wagering game in combination with a standard wagering game" over the applied prior art of Suttle *et al.* (a/k/a "Jones '553.")

Accordingly, withdrawal of the Examiner's 35 U.S.C. §102(b) anticipation rejection of the final Office Action, which applies Suttle *et al.* (a/k/a "Jones '553"), is respectfully requested.

In light of the foregoing, it is respectfully contended that all claims now pending in the above-identified patent application (*i.e.*, Claims 20-27) recite a novel method for playing a gambling game, which is patentably distinguishable over the prior art. Accordingly, withdrawal of the final rejection and the allowance of all claims are respectfully requested and earnestly solicited.

Respectfully submitted,

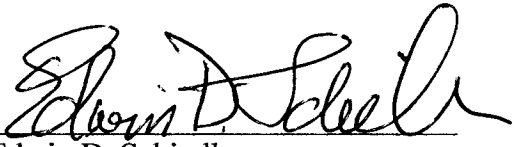
CHRISTOPHER R. BYRNE

**PTO Customer No. 60333**

Five Hirsch Avenue  
P. O. Box 966  
Coram, New York 11727-0966

(631)474-5373

November 21, 2007

By   
Edwin D. Schindler  
*Attorney for Applicant*  
Reg. No. 31,459

The Commissioner for Patents is hereby authorized to charge the Deposit Account of Applicant's Attorney (*Account No. 19-0450*) for any fees or costs pertaining to the prosecution of the above-identified patent application, but which have not otherwise been provided for.